

0
FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2007 JAN 24 AM 9:28

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY *[Signature]*
DEPUTY CLERK

THOMAS RETZLAFF,
Plaintiff,

Vs.

BRENT WILSON,
CHOICEPOINT SERVICES, INC.,
ROBERT FAITH, STACEY HUNT,
JOHN and/or JANE DOE,
and GREYSTAR REAL ESTATE
PARTNERS, LLC,
Defendants.

CIVIL ACTION NO. 5-06-cv-00738-XR ✓

**PLAINTIFF'S MEMORANDUM IN OPPOSITION
TO MICHAEL BUESGENS' MOTION TO INTERVENE**

Plaintiff asks the court to deny intervenor's motion to intervene as a party-plaintiff.

A. Introduction

1. Plaintiff is Thomas Retzlaff; Defendant No. 1 is Brent Wilson; Defendant No. 2 is ChoicePoint Services, Inc.; Defendant No. 3 is Robert Faith; Defendant No. 4 is Stacey Hunt; Defendant No. 5 is Greystar Real Estate Partners, LLC; John and/or Jane Doe are unknown defendant(s). The intervenor and self-styled "Private Attorney General" is Michael L. Buesgens.

2. Plaintiff sued defendants for breach of contract, tortious interference with an existing contract, defamation, various violations of the Fair Credit Reporting Act, negligence in the hiring, training, supervision, and retention of certain employees, and malice, in the 37th Judicial District of Bexar County, Texas.

3. Intervenor filed a motion to intervene on October 1, 2006.

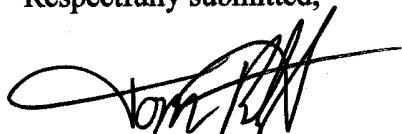
B. Argument

4. Intervenor does not have the right to intervene in this lawsuit under Federal Rule of Civil Procedure 24(a)(2) because he does not have an interest in the subject matter of this suit. *David v. Butts*, 290 F.3d 1297, 1300 (11th Cir. 2002); *In re Troutman Enters., Inc.*, 286 F.3d 359, 363 (6th Cir. 2002); *Joe Doe No. 1 v. Glickman*, 256 F.3d 371, 375 (5th Cir. 2001). This suit involves a private transaction that took place between only the plaintiff and these defendants. It involves an apartment lease transaction and a credit report transaction. The intervenor was not a party to whatever may have happened here.

C. Conclusion

5. This so-called intervention is stupid and pointless. The pleading is completely unintelligible. It is also a waste of court resources. For these reasons, plaintiff asks the court to deny intervenor's motion to intervene as a party-plaintiff.

Respectfully submitted,



Thomas C. Retzlaff, Esq.
PO Box 92
San Antonio, Texas 78291-0092
(210) 317-9800 OFFICE
(210) 521-9146 FAX

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a copy of plaintiff's opposition to the motion to intervene was served on defendant Wilson & ChoicePoint, through their counsel of record, C. Don Clayton, Locke, Liddell & Sapp, LLP, 2200 Ross Ave., Ste. 2200, Dallas, TX 75201-6776, by personal service, and on defendant Greystar Real Estate Partners, though its counsel of record, R. David Fritsche, Fritsche Law Office, 921 Proton Rd., San Antonio, TX 78258-4203, by personal service, and upon the intervenor, Michael Buesgens, by personal service, all on January 24, 2007.



Thomas Retzlaff